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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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JOSE A. HERNANDEZ-TIRADO )

Plaintiff )

*pro-se* )

v. )

CRAIG LOWE, in his Official )  
Capacity as Warden of PCCF; *et al.* , )

Defendants )  
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(HON. JUDGE CAPUTO)

Civil Action No. 3: 14-CV-1897

**MOTION REQUESTING  
ACCEPTANCE OF  
DECLARATION**

**MOTION TO ACCEPT AND CONSIDER AS EVIDENCE**

**DECLARATIONS OF WITNESSES.**

AND NOW COMES JOSE A. HERNANDEZ-TIRADO, *pro-se*, Plaintiff in the above captioned matter, respectfully hereby invoke my right to access this Honorable Court of my own volition, for the purpose of being heard on the Annexed Motion Requesting for Acceptance of Declaration, and for an Order permitting plaintiff to amend and attached declarations for the purpose of use as evidence on plaintiff's behalf on the herewith above entitled matter.

Plaintiff has attached Declarations made by witnesses as Exhibits in Support of this Motion.

Dated this 7th, day of November 2014.

Respectfully Submitted;

  
\_\_\_\_\_  
José A. Hernández-Tirado, *pro-se*  
Plaintiff

# EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE A. HERNANDEZ-TIRADO	)	
Plaintiff	)	(HON. JUDGE CAPUTO)
<i>pro-se</i>	)	
	)	Civil Action No. 3: 14-CV-1897
v.	)	
	)	<b>DECLARATION OF</b>
CRAIG LOWE, in his Official	)	<b>ROBERT COLAO</b>
Capacity as Warden of PCCF; <i>et al.</i> ,	)	
Defendants	)	

**DECLARATION IN SUPPORT AS EVIDENCE.**

Robert Colao hereby declares:

I am currently confined at Pike County Correctional Facility. I am a witness on Mr. Hernandez behalf on this action. I was present at all times in this allegation. At the time of the altercation I was cellmate with Hernandez-Tirado at the Housing Unit-D cell # 8.

On the 8<sup>th</sup>, day of September 2014, I saw Officer Christensen enter cell # 8 along with Officer Putney to answer of a request from Hernandez of using the legal law library, in which C/o Christensen proceeds to placed handcuffs and shackles to Hernandez. At that point I heard Hernandez pleadings for have the shackles loose because they were too tight and were hurting his ankles. It sounded like he was in pain. C/o Christensen then looked at

Hernandez and stated "why you want them loose it hurts" having a smile on his face.

Thereafter, C/o Christensen loose the shackles from Hernandez ankles and proceeds to hold Hernandez right arm to move him from cell # 8 to the law library, then I watched C/o Christensen's holding Hernandez right arm, Hernandez forced a move to get off his grip and cry out in pain because of the harmful way that the C/o hold him.

Furthermore, I indicate that I watch C/o Christensen using of excessive or unnecessary force, and corporal abused of Hernandez while improperly placed shackles and cruelly hold his arm.


I perceive that C/o Christensen actions were inappropriate and I believe that he acted in retaliation for Hernandez giving notice to Supervisors of his misconduct and moreover filing grievances of said.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Pike County Correctional Facility, Pennsylvania.

Dated this 3, day of November 2014.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read "R. Colao", is written over a horizontal line.

Robert Colao  
Witnesses

# EXHIBIT F

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

-----  
JOSE A. HERNANDEZ-TIRADO )

Plaintiff )

*pro-se* )

v. )

CRAIG LOWE, in his Official )  
Capacity as Warden of PCCF; *et al.* , )

Defendants )  
-----

(HON. JUDGE CAPUTO)

Civil Action No. 3: 14-CV-1897

**DECLARATION OF  
DIONI POLANCO**

**DECLARATION IN SUPPORT AS EVIDENCE.**

Dioni Polanco hereby declares:

I am currently confined at Pike County Correctional Facility. I am a witness on Mr. Hernandez behalf on this action. I was present at all times in this allegation.

On the 12<sup>th</sup>, day of August 2014, at approximately 1:00 PM, Barry made comments that could be subject to a race war against White, Blacks and Hispanics races. Stating that "*all this search is thanks to Santana and Polanco*" "*just blame it on the Hispanics people*". Moreover, while C/o Barry is going through cells conducting his search, I watched him approached inmate Stearns whom he told "*now you cannot be blowing kisses to your girl because Polanco is complaining*"; about that "*I let you do*

*it and do not said nothing to you but if he (Polanco) does it, I give him a twenty four (24) ”. However, I indicate that C/o Barry statements were unprofessional and inappropriate causing an altercation which results in an argument between Stearns and me (white against Hispanic) altercation that get me pulled off the Unit-C, placed in a segregation area and in receive of misconduct.*

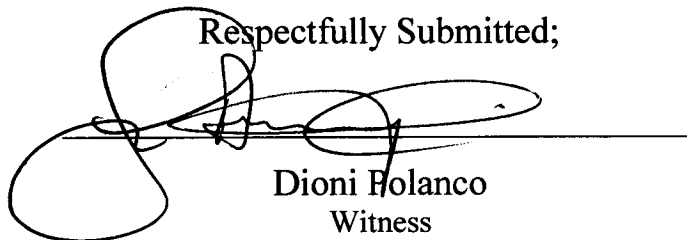
Furthermore, I notify that C/o Barry comments created an atmosphere of racial tension on the Unit-C in where inmates of different races are getting involved in altercations (fights) inside of cells and living like enemies arguing for territories and corners on the Housing Unit –C.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Pike County Correctional Facility, Pennsylvania.

Dated this 7th, day of November 2014.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read 'Dioni Polanco', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Dioni Polanco  
Witness

**CERTIFICATE OF SERVICE**

I, Jose A. Hernandez-Tirado certify that on this 7th, day of November 2014, I caused to serve a true copy of the herewith attached, "Motion Requesting for Acceptance of Declarations" along with "Two (2) Declarations made by witnesses on my behalf" to the person(s) below listed, by the depositing the same in the U.S. Postal Service outgoing mail Box located at Pike County Correctional Facility at 175 Pike County Boulevard at Lord's Valley PA 18428.

Clerk of Courts  
United States District Court  
Middle District of Pennsylvania  
235 North Washington Avenue  
P.O. Box 1148  
Scranton PA, 18501

Dated this 7th, day of November of 2014.

Respectfully Submitted;

  
\_\_\_\_\_  
José A. Hernández-Tirado, *pro-se*  
Plaintiff



José A. Hernández-Tirado  
Pike County Correctional Facility  
175 Pike County Boulevard  
Lords Valley, PA 18428

November 7th, 2014.

Clerk of Courts  
United States District Court  
Middle District of Pennsylvania  
235 North Washington Avenue  
PO. Box 1148  
Scranton PA, 18501

**Re: JOSE A. HERNANDEZ vs. CRAIG LOWE et al.,**

**No 3: 14-CV-1897.**

Enclosed, please find an original of a Motion Requesting for Acceptance of Declarations along with two (2) Declarations made by witnesses on my behalf. Please file and serve the opposing parties with a copy of the herewith enclosed, stamp and return a copy on my behalf to the herewith abovementioned address.

Respectfully Submitted;



\_\_\_\_\_  
José A. Hernández-Tirado, *pro-se*  
Plaintiff

Pc. Clerk of Court  
Cc. / JHT files

Jose A. Hernandez - 112426  
Pike County Correctional Facility  
175 Pike County Boulevard  
Lords Valley, PA 18428

Pike County Correctional Facility  
175 Pike County Blvd.  
Lords Valley, PA 18428

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